

AP20 ROO'C FORD 10 FEB 2006

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/007938

International Filing Date : July 16, 2004

Priority Date(s) Claimed : August 11, 2003

Applicant(s) (DO/EO/US) : Dieter DORSCH et al.

Title: PROCESS FOR THE PREPARATION OF N-ARYLMORPHOLINONES

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

\boxtimes	37 C.F.R. § 1.97(b), no fee or statement is required for filing this information sure statement is filed:
	within three months of the filing date of a national application other than a CPA under § 1.53(d);
	within three months of the actual filing date of the national phase of a PCT application; OR
	before the mailing of a first substantive office action (including after filing of an RCE).
	37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods ed in 37 C.F.R. § 1.97(b), but before the mailing date of:
	a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and

		is acco	mpanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
			R. § 1.97(d), this information disclosure statement is filed after the mailing lowing actions which have not been withdrawn:
		a final	action under 37 C.F.R. § 1.113;
		termina	ation of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
		OR a n	notice of allowance under 37 C.F.R. § 1.311;
	AND i	s filed o	on or before payment of the issue fee; AND is accompanied by:
			tement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of 0 under 37 C.F.R. § 1.17(p).
Statem	ents Ur	der 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited 1	Materia	<u>ls</u>	
		ancest	s of materials listed but not attached were cited in benefit (35 U.S.C. § 120) or application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
	\boxtimes	_	s of materials listed but not attached were cited in an international search dated November 24, 2004.
		Not re	quired by 37 CFR § 1.98.
		Copies	s of the materials listed are attached (except for the foregoing).

Non-E	inglish l	Language References
		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
	\boxtimes	A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
		 X = document of particular relevance when it is taken alone Y = document of particular relevance when it is combined with another such document
		A = document defining the general state of the art O = non-written disclosure P = intercalated document
		T = document cited to understand the theory or principle underlying the invention
		E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
		D = cited in the application
		L = cited for another reason
		& = publication of member of same patent family
	\boxtimes	Translation of other relevant information on foreign search report
		In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwaehnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abildung" means figure.
Other	Informa	ation
Payme	ent of F	ees Due (If Any):
	A che	ck for \$ covering the fee identified above is attached.
	Please	e charge to Deposit Account No. 13-3402 \$ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969

Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza l 2200 Clarendon Blvd. Suite 1400 Arlington, Virginia 22201 Telephone: (703) 243-6333

Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-3121

Date: February 10, 2006

AJZ:aap

 $K:\label{eq:K:Merck} K:\label{eq:K:Merck} Werck\label{eq:K:Merck} A 121\label{eq:K:Merck} Information Disclosure Statement. doc$



3 2005

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

	Under the Paperw	ork Reduction	Act of 1995, no persons	are required to respond to a collection	of information unless it contains a valid OMB control number
Substitute	for form 1449A/PT	о			Complete if Known
				Application Number	Unassigned () () () ()
	RMATION			Filing Date	February 10, 2006
STAT	EMENT B	BY APF	LICANT	First Named Inventor	Dieter DORSCH et al.
				Group Art Unit	Unassigned
	(use as many sh	eets as ne	cessary)	Examiner Name	Unassigned
Sheet	1	of	2	Attorney Docket Number	MERCK-3121

	U.S. PATENT DOCUMENTS					
		U.S. Patent Docu	ment		5.4.40.11.11.12.12	
Examiner Initials *	Cite No.1	Number	Kind Code ² (<i>if known</i>)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
	1	2004087582			May 6, 2004	
			_			
					·	
		· · · · · · · · · · · · · · · · · · ·				
						
						
	-					
			1 1			

		F	oreign Patent Docu	ment		Date of Publication of	Pages, Columns, Lines, Where Relevant	
Examiner Initials*	Cite No.1	Office ³	Number⁴	Kind Code ⁵ (<i>if known</i>)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T ⁶
	2	wo	02057236		Merck Patent GmbH	July 25, 2002		Equv to cite 1

Examiner	Date	
Signature	Considered	
J.g. Id. C. C	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.



Please type a plus sign (+) inside this box	Please type a plus sign (+) inside this box	+
---	---	---

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

	Substitute	for form 1449A/P	то			Complete if Known
	INITO		N DICCI	OCUBE	Application Number	Unassigned A A A
				OSURE	Filing Date	February 10, 2006
STATEMENT BY APPLICANT					First Named Inventor	Dieter DORSCH et al.
					Group Art Unit	Unassigned
	((use as many s	heets as ned	essary)	Examiner Name	Unassigned
	Sheet	2	of	2	Attorney Docket Number	MERCK-3121

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	3	ASTLE, M.J.; WELKS, J.D.: J. ORG. CHEM., Bd. 26, 1961. 4325-4327, XP002303446	
	4	DATABASE CAPLUS 'Online! CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; TULYAGANOV, S. R. ET AL: "Reaction of some N-(2-hydroxyalkyl)arylamines with monochloroacetic acid derivatives" retrieved from STN Database accession no. 1970:466523 XP002303444	
· · · · · · · · · · · · · · · · · · ·			
			l

Examiner	**	Date	<u> </u>
Signature		Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.